



# STATE OF INDIANA

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November 6, 2015

Mr. Lamarr Crittenden - #148648  
Miami Correctional Facility  
3038 West 850 South  
Bunker Hill, Indiana 46914

*Re: Formal Complaint 15-FC-259; Alleged Violation of the Access to Public Records Act by the Indiana State Public Defender Office*

Dear Mr. Crittenden:

This advisory opinion is in response to your formal complaint, which alleges the Indiana State Public Defender Office ("Office") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Office has responded to your complaint via Mr. Stephen T. Owens, Esq. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-9, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on September 25, 2015.

## BACKGROUND

Your complaint dated September 21, 2015 alleges the Indiana State Public Defender Office violated the Access to Public Records Act for failing to provide the records you requested.

On September 10, 2015, you requested a copy of your Merit Review Committee Memorandum. You received a copy from the Office; however, the copy was incomplete.

On September 30, 2015 the Office responded. Mr. Owens acknowledges you were only sent the first page of the memo. However, this was the result of a misunderstanding regarding your request. The Office was unaware you were requesting the entire memorandum.

## ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties



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of public officials and employees, whose duty it is to provide the information.” See Ind. Code § 5-14-3-1. The Indiana Public Defender Office is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Office’s disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

The issue here is a mere misunderstanding of your original request. The Office has sent you the entire document on September 18, 2015. It appears as if your public records request has been satisfied.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indiana Public Defender Office has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", with a long, sweeping underline.

Luke H. Britt  
Public Access Counselor

Cc: Mr. Stephen T. Owens, Esq.